

### **REMARKS**

This Response to Office action is submitted in response to the Final Office Action dated July 26, 2004. In the Office Action, the Examiner maintained the rejection of claims 27, 28, 30, 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Newman (5,259,854). According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a disposable canister or any other type of container or bag with a HEPA filter as taught by Newman for a floor care appliance so that the HEPA filter would remove substantially all of the harmful contaminants from the air stream and the container with particulates can be disposed afterwards.

Further, the Examiner maintained the rejection of claims 1-26, 29, 31 and 34 under 35 U.S.C. as being unpatentable over Newman in view of any one of Requejo et al (5,090,975) Zhang, (6,156,086) and Bosses (5,080,702), and in further view of Maeko et al. (6,030,484) and Wnenchak et al. (6,110,243). According to the Examiner, any one of Requejo et al., Zhang and Bosses discloses a filtration bag for a floor care appliance comprising a closed receptacle for collecting dirt particles having an inlet opening for allowing a dirt laden airstream to enter. The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the canister of Newman by a filtration bag as taught by any one of Requejo et al., Zhang and Bosses with a layer of PTFE film as taught by either Maeoka et al. or Wnenchak et al. since PTFE is well known in the art that filter media made from a thin membrane of ePTFE, which is particularly lightweight and flexible, air flow through the filter element is very high relative to conventional laminated materials and, accordingly, very low energies are required to dislodge the collected dirt from its surface.

Applicant had previously responded to the rejections in a Response to Office Action dated March 18, 2004 by submitting arguments traversing the rejections and those arguments are again submitted herein and incorporated by reference fully herein. Essentially, applicant argued that none of the references cited teach or suggest the combination of the subject disposable filtration bag and that applicant was the first to reduce to practice a disposable filtration bag. However, the Examiner was not persuaded.

Applicant also has discussed the rejections with the Examiner in an Examiner interview at the United States Patent and Trademark Office on October 22, 2004. The Examiner and the undersigned discussed once again the cited references. Specifically, Newman was discussed and the applicant through the undersigned once again argued that Newman was a utility type canister cleaner utilizing a cartridge filter and not a disposable filtration bag. In addition, the other references cited did not teach or suggest a disposable filtration bag utilizing a layer of ePTFE and a substrate layer. The applicant also maintained he is entitled to a claim to a disposable filtration bag having a HEPA rating in that testing conducted by a third party laboratory showed that a competitor disposable filtration bag did not meet the HEPA standard for filtration.

Moreover, in the Examiner's interview on October 22, 2004, applicant repeated the previous arguments but also argued that the disposable filtration bag was non-obvious because of it meeting a long felt need. In support of applicant's argument, applicant submitted affidavit's from a Hoover employee attesting that Hoover has been contemplating and working on improving filtration bags since at least the year 1986 (Exhibit A). Applicant also submitted to the Examiner that more recently a competitor has introduced a similar disposable filtration bag (Exhibit B) that testing has revealed is made from a layer of ePTFE bonded to a substrate (Exhibit C) in an attempt to meet this

need. However, applicant maintained that he has been the first to conceive and reduce to practice the subject disposable filtration bag and is entitled to priority. The Examiner reexamined the cited references and stated that further searching of the prior art would be required, including searching of non-patent literature. The Examiner Interview concluded with the Examiner stating she would inform applicant if she found any additional references.

It is believed that the rejection of claims 1-34 as being obvious in view of the cited references was improper and that such rejection must be withdrawn. Therefore, it is respectfully requested that the appropriate office action be issued.

RESPECTFULLY SUBMITTED

PARKS



By: Michael J. Corrigan  
Reg. No.: 42,440

The Hoover Company  
101 East Maple Street  
North Canton, OH 44720  
Telephone: (330) 499-9200, Ext. 2930  
Facsimile: (330) 497-5004